UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

BRUCE GUESS,)
Plaintiff,)
,	,)
V.) No. 1:19-cv-04558-TWP-TAB
LEVINE, WEXFORD HEALTH CARE SERVICES INC.,))
Defendants.)

Entry Screening Complaint and Directing Further Proceedings

Plaintiff Bruce Guess is a prisoner currently incarcerated at Pendleton Correctional Facility. He has sued Dr. Levine and seeks injunctive relief and money damages.

I. Screening of the Complaint

Because Mr. Guess is a "prisoner" as defined by 28 U.S.C. § 1915A(c), this Court has an obligation under 28 U.S.C. § 1915A(b) to screen his complaint before service on the defendant. Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief.

Mr. Guess alleges that Dr. Levine is liable to him under the Eighth Amendment. Mr. Guess explains that he has a long history of psychological problems and that Dr. Levine has been deliberately indifferent to his need for medications. Specifically, on January 13, 2018, Mr. Guess was first evaluated by Dr. Levine and over time, Dr. Levine discontinued Mr. Guess's medications. As a result, Mr. Guess's "life threatening brain injury" has gone untreated. Dkt. 2 at

p. 3. Mr. Guess seeks to restore appropriate medications and balancers and is seeking money

damages.

The complaint has been screened and the Eighth Amendment claims set forth above shall

proceed as submitted.

The clerk is directed to terminate Wexford Health Care Services, Inc., as a defendant on

the docket. It does not appear that the defendant's alleged employer was intended to be a

defendant in this action because there are no allegations alleged against it.

If the plaintiff believes that additional claims were alleged in the complaint, but not

identified by the Court he shall have through February 12, 2020, in which to identify those

claims.

II. Service of Process

The **clerk is directed** pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to defendant Dr.

Levine in the manner specified by Rule 4(d). Process shall consist of the complaint filed on

November 13, 2019, dkt [2], applicable forms (Notice of Lawsuit and Request for Waiver of

Service of Summons and Waiver of Service of Summons), and this Entry.

IT IS SO ORDERED.

Date: 1/17/2020

TANYA WALTON PRATT, JUDGE

United States District Court

Southern District of Indiana

Distribution:

BRUCE GUESS 167164 PENDLETON - CF PENDLETON CORRECTIONAL FACILITY Electronic Service Participant – Court Only

Dr. Levine PENDLETON CORRECTIONAL FACILITY 4490 West Reformatory Road PENDLETON, IN 46064

Courtesy Copy to:

Douglas Bitner Katz Korin Cunningham PC 334 North Senate Avenue Indianapolis, IN 46204-1708